

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL LEONARD SIEGMANN,

Plaintiff,

Case No. 24-cv-443-pp

v.

DAVID W. FROHLING
and DANIELLE J. VAN EGTERN,

Defendants.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANTS' MOTION TO
DISMISS (DKT. NO. 6)**

On May 6, 2024, the defendants filed a motion to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(6) and 4(c). Dkt. No. 6. The defendants argue that the plaintiff's complaint fails to allege sufficient facts to show that his speech was protected under the First Amendment, fails to allege sufficient facts to permit an inference that the defendants' alleged conduct violated his First Amendment rights or caused him any harm or "injury in fact," and fails to show any constitutional deprivation the plaintiff suffered. Dkt. No. 7 at 1-2. In addition, the defendants argue that the plaintiff failed to serve them with a summons and the court lacks personal jurisdiction over them. Id. at 2.

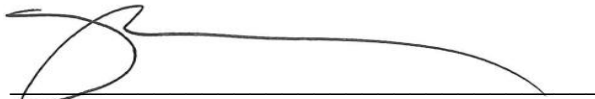
Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion he must do so within twenty-one days—that is by May 27, 2024. The plaintiff

is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that he has another option—he may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F3d 510, 522 (7th Cir. 2015) (explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by May 27, 2024 the plaintiff shall file either an amended complaint or a response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 7th day of May, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge